



LEONIDAS RALPH MECHAM
Director

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

CLARENCE A. LEE, JR.
Associate Director

WASHINGTON, D.C. 20544

October 5, 2005

**MEMORANDUM TO: JUDGES, UNITED STATES BANKRUPTCY COURTS
CLERKS, UNITED STATES BANKRUPTCY COURTS
BANKRUPTCY ADMINISTRATORS**

SUBJECT: Payment of Statutory Chapter 7 Trustee Fee When Case Filing Fee is
Waived (**INFORMATION**)

Section 330(b) of the Bankruptcy Code requires that the chapter 7 case trustee be paid \$60 from the case filing fee. Section 1930(f) of title 28, United States Code, authorizes courts to waive the filing fee under certain conditions. Because a chapter 7 trustee is paid from the debtor's filing fee, no funds will be available for the trustee in cases where the debtor is granted *in forma pauperis* status and the filing fee is waived by the court. The judiciary does not have the authority or funding to pay chapter 7 trustees absent payment of the filing fee by the debtor. Therefore, beginning on October 17, 2005, the effective date of Pub. L. No. 109-8, a chapter 7 trustee will not be paid when the debtor's application for *in forma pauperis* status is granted and the filing fee is waived.

If you have any questions about this policy, please contact Frank Szczebak at 202-502-1900 or via email at Frank.Szczebak/DCA/AO/USCOURTS.

A handwritten signature in black ink, reading "Leonidas Ralph Mecham".

Leonidas Ralph Mecham